

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA

UNITED STATE OF AMERICA

Plaintiff,

v.

LOUIE MONTOYA,

Defendant,

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Case No. 09-CR-05-JHP

ORDER AND OPINION

Before the Court is Defendant Louie Montoya's Motion to Move to Medical Facility [Docket No. 153]. In the motion, Defendant alleges he suffers from severe type two-diabetes, renal disease and liver disease. Defendant contends he has not been provided with proper medical care and that his condition has deteriorated since his incarceration in the Muskogee County Jail. Defendant requests that he be transferred to a Federal correctional medical facility pending sentencing.

A hearing was held on the motion March 11, 2009. The Court ordered medial evaluations and weekly notices be provided the Court until all evaluations were complete. Based upon the medical records received by the Court, as well as the representations of Defendant, the United States Marshal and the United States Attorney, which all concur the medical records support such a transfer, the Court grants Defendant's motion. The Court commits Defendant to the custody of the United States Marshal to be transported to a suitable Federal correctional medical facility as designated by the Bureau of Prisons. Thereafter, upon direction from the Court, the United States Marshal is directed to transport Defendant back to this Court for sentencing.

IT IS SO ORDERED this 15th day of May, 2009.


James H. Payne
United States District Judge
Eastern District of Oklahoma